

REFERENCE TITLE: probation; consecutive terms allowed

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1302

Introduced by
Senator Huppenthal

AN ACT

AMENDING SECTION 13-901, ARIZONA REVISED STATUTES; RELATING TO PROBATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-901, Arizona Revised Statutes, is amended to
3 read:

4 13-901. Probation

5 A. If a person who has been convicted of an offense is eligible for
6 probation, the court may suspend the imposition or execution of sentence and,
7 if so, shall without delay place such person on intensive probation
8 supervision pursuant to section 13-913 or supervised or unsupervised
9 probation upon such terms and conditions as the law requires and the court
10 deems appropriate, including participation in any programs authorized in
11 title 12, chapter 2, article 11. If a person is not eligible for probation,
12 imposition or execution of sentence shall not be suspended or delayed. If
13 the court imposes probation, it may also impose a fine as authorized by
14 chapter 8 of this title. If probation is granted the court shall impose a
15 condition that the person waive extradition for any probation revocation
16 procedures and it shall order restitution pursuant to section 13-603,
17 subsection C where there is a victim who has suffered economic loss. When
18 granting probation to an adult the court ~~shall~~, as a condition of probation,
19 SHALL assess a monthly fee of not less than fifty dollars unless, after
20 determining the inability of the probationer to pay the fee, the court
21 assesses a lesser fee. In justice and municipal courts the fee shall only be
22 assessed when the person is placed on supervised probation. For persons
23 placed on probation in the superior court, the fee shall be paid to the clerk
24 of the superior court and the clerk of the court shall pay all monies
25 collected from this fee to the county treasurer for deposit in the adult
26 probation services fund established by section 12-267. For persons placed on
27 supervised probation in the justice court, the fee shall be paid to the
28 justice court and the justice court shall transmit all of the monies to the
29 county treasurer for deposit in the adult probation services fund established
30 by section 12-267. For persons placed on supervised probation in the
31 municipal court, the fee shall be paid to the municipal court. The municipal
32 court shall transmit all of the monies to the city treasurer who shall
33 transmit the monies to the county treasurer for deposit in the adult
34 probation services fund established by section 12-267. Any amount greater
35 than forty dollars of the fee assessed pursuant to this subsection shall only
36 be used to supplement monies currently used for the salaries of adult
37 probation and surveillance officers and for support of programs and services
38 of the superior court adult probation departments.

39 B. The period of probation shall be determined according to section
40 13-902.

41 C. The court, ~~may~~ in its discretion, MAY issue a warrant for the
42 rearrest of the defendant and may modify or add to the conditions or, if the
43 defendant commits an additional offense or violates a condition, may revoke
44 probation in accordance with the rules of criminal procedure at any time
45 prior to the expiration or termination of the period of probation. If the

1 court revokes the defendant's probation and the defendant is serving more
2 than one probationary term concurrently, the court may sentence the person to
3 terms of imprisonment to be served consecutively.

4 D. At any time during the probationary term of the person released on
5 probation, any probation officer ~~may~~, without warrant or other process, at
6 any time until the final disposition of the case, ~~MAY~~ rearrest any person and
7 bring the person before the court.

8 E. The court, on its own initiative or upon application of the
9 probationer, after notice and an opportunity to be heard for the prosecuting
10 attorney, and, on request, the victim, may terminate the period of probation
11 or intensive probation and discharge the defendant at a time earlier than
12 that originally imposed if in the court's opinion the ends of justice will be
13 served and if the conduct of the defendant on probation warrants it.

14 F. When granting probation the court may require that the defendant be
15 imprisoned in the county jail at whatever time or intervals, consecutive or
16 nonconsecutive, the court shall determine, within the period of probation, as
17 long as the period actually spent in confinement does not exceed one year or
18 the maximum period of imprisonment permitted under chapter 7 of this title,
19 whichever is the shorter.

20 G. If restitution is made a condition of probation, the court shall
21 fix the amount of restitution and the manner of performance pursuant to ~~the~~
22 ~~provisions of~~ chapter 8 of this title.

23 H. When granting probation, the court shall set forth at the time of
24 sentencing and on the record the factual and legal reasons in support of each
25 sentence.

26 I. If the defendant meets the criteria set forth in section 13-901.01
27 or 13-3422, the court may place the defendant on probation pursuant to either
28 section. If a defendant is placed on probation pursuant to section 13-901.01
29 or 13-3422, the court may impose any term of probation that is authorized
30 pursuant to this section ~~which AND THAT~~ is not in violation of section
31 13-901.01.

32 J. THE COURT MAY IMPOSE CONSECUTIVE SENTENCES OF PROBATION.